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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 Case No. 4:23-mc-80119-KAW

14 Originating Case: *Silva v. Doe 1, et al.*,
15 S.D. Fla. 1:22-cv-24262-RKA)

16 *IN RE: SUBPOENA TO REDDIT, INC.*

17 **PLAINTIFF RICCARDO SILVA’S**
18 **ADMINISTRATIVE MOTION TO**
19 **CONSIDER WHETHER CASES SHOULD**
20 **BE RELATED UNDER CIVIL LOCAL**
21 **RULES 3-12 AND 7-11**

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23 Action filed: April 19, 2023
24 Judge: Magistrate Judge Westmore
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23 Pursuant to Civil Local Rules 3-12(b) and 7-11, Plaintiff Riccardo Silva (“Plaintiff” or
24 “Mr. Silva”) files this Administrative Motion to Consider Whether Cases Should Be Related.
25 Plaintiff submits that the action entitled *In re: Subpoena to X Corp., Successor in Interest to*
26 *Twitter, Inc.*, Case No. 4:23-mc-80122-DMR (“Twitter Action”), is related to the instant action *In*
27 *re: Subpoena to Reddit, Inc.*, Case No. 4:23-mc-80119-KAW (“Reddit Action”).
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I. BACKGROUND AND TITLES AND NUMBERS OF RELATED CASES

On April 19, 2023, Plaintiff initiated a Miscellaneous Action by filing a Motion to Compel Third-Party Reddit, Inc. (“Reddit”) to Respond to Subpoena (“Reddit Motion to Compel”), which was assigned to Magistrate Judge Kandis A. Westmore, Case No. 4:23-mc-80119-KAW (the “Reddit Action”). *See* Declaration of Kerry L. Duffy (“Duffy Decl.”), ¶ 2, Ex. 1. The Reddit Motion to Compel was served on April 19, 2023. *Id.* ¶ 3. The following day, Plaintiff initiated a second Miscellaneous Action by filing a Motion to Compel Third-Party X Corp, Successor in Interest to Twitter, Inc. (“Twitter”) to Respond to Subpoena (“Twitter Motion to Compel”), which was assigned to Magistrate Judge Donna M. Ryu, Case No. 4:23-mc-80122-DMR (the “Twitter Action”). *Id.* ¶ 4, Ex. 2. The Twitter Motion to Compel was served on April 21, 2023. *Id.* ¶ 5.

The subpoenas at-issue in the Reddit Action and the Twitter Action arise out of a pending lawsuit in the Southern District of Florida under Case No. 1:22-cv-24262-RKA (the “Florida Lawsuit”). *Id.* at ¶ 6, Ex. 3. The underlying Florida Lawsuit involves various claims regarding a carefully-crafted defamation campaign waged against Mr. Silva by one or more anonymous individuals (the “Doe Defendants”), in which numerous false, defamatory, and outrageous statements have been published in multiple locations, including on the Reddit.com and Twitter.com platforms. *Id.* ¶ 6, Ex. 3 at ¶¶ 1-5. Because the identity of the Doe Defendants is unknown to Mr. Silva, subpoenas have been issued to Reddit and Twitter seeking information concerning the identity of the user(s) or subscribers(s) who own(s) and operate(s) the Reddit Handle “u/SOSilva7” and the Twitter handle “u/SOSSilva7” (the “Reddit Handle” and “Twitter Handle,” respectively), which Mr. Silva contends are the Reddit/Twitter Handles or accounts used to anonymously post defamatory and false accusations against him on the Reddit and Twitter platforms. *Id.* ¶¶ 6-7, *see e.g.*, Ex. 3 at ¶¶ 11-12, 18, and 23-30. The information sought via these subpoenas, and which is the subject of these pending Motions to Compel, is critical to Mr. Silva’s ability to identify and serve the anonymous Doe Defendant(s) in the Florida Lawsuit. For the reasons explained below, the Reddit Action and Twitter Action should be related.

1 **II. RELATIONSHIP OF THE ACTIONS**

2 **A. The Reddit Action and Twitter Action Involve Substantially the Same Parties**
 3 **and Transaction**

4 Civil L.R. 3-12 provides that actions are “related” when they “concern substantially the
 5 same parties, property, transaction or event” and “[i]t appears likely that there will be an unduly
 6 burdensome duplication of labor and expense or conflicting results if the cases are conducted
 7 before different Judges.” Those criteria are met here. Both the Reddit Action and Twitter Action
 8 involve substantially similar motions to compel brought by the same plaintiff, Mr. Silva, which
 9 seek the same type information and documents from these service providers (*i.e.*, non-content
 10 basic subscriber information concerning the identity of the owner(s) of the Reddit Handle and the
 11 Twitter Handle). Duffy Decl. ¶¶ 2, 4, and 7. The Motions to Compel concern substantially the
 12 same transaction, *i.e.*, the subpoenas for subscriber information, and the legal issues to be resolved
 13 are the same in both cases as Reddit’s and Twitter’s remaining objection is limited to First
 14 Amendment grounds. *Id.* ¶ 8. Specifically, Reddit and Twitter contend that they are unable to
 15 comply with these subpoenas absent a Court Order directing compliance, asserting that a Court
 16 must conduct a First Amendment analysis of the requested discovery and determine that the First
 17 Amendment safeguards have been met here. *Id.* Thus, the Reddit Action and the Twitter Action
 18 will turn on resolution of the exact same First Amendment principles, and thus involve resolution
 19 of a common question of law.

20 Given that both the Reddit Action and the Twitter Action concern substantially the same
 21 parties and legal issues, there will be an unduly burdensome duplication of labor and expense,
 22 including judicial resources, and potentially inconsistent results if the two actions were to be
 23 conducted before different Magistrate Judges. Accordingly, relating the Reddit Action and the
 24 Twitter Action would serve the interests of judicial economy and avoid the potential for
 25 conflicting results, consistent with Civil L.R. 3-12(a). Reddit and Twitter do not dispute, and have
 26 stipulated, that these cases are related. *Id.* ¶¶ 11-13.

B. The Related Cases Should Be Assigned to Magistrate Judge Ryu So that a Hearing May be Held Expeditiously

In the event that this Court determines that the Reddit Action and Twitter Action are related, Plaintiff respectfully requests that the present case be assigned to Magistrate Judge Ryu. Under the Local Rules, if a Judge decides that cases are related “the Clerk shall reassign all related higher-numbered cases to that Judge,” which would normally result in Case No. 4:23-mc-80122-DMR, as the higher-numbered case, being re-assigned to Magistrate Judge Westmore. *See* Civ. L.R. 3-12(f)(3). However, based upon Magistrate Judge Westmore’s calendar schedule for civil law and motion and her listed unavailability from May 30, 2023 – June 16, 2023, the earliest available noticed hearing date in which these matters could be heard by Magistrate Judge Westmore is July 6, 2023. *Id.* ¶ 9. By contrast, if the related cases are assigned to Magistrate Judge Ryu, based upon her listed calendar schedule for civil law and motion, the hearing on Plaintiff’s respective Motions to Compel against Reddit and Twitter could be heard on June 8, 2023, almost an entire month sooner than if the related matters remain before this Court. *Id.* ¶ 10.

“[D]istrict courts [have] broad discretion in interpreting, applying, and determining the requirements of their own local rules and general orders.” *United States v. Gray*, 876 F.2d 1411, 1414 99th Cir. 1989). Here, such discretion is warranted so as to allow the present case to be assigned to Magistrate Judge Ryu, so that Plaintiff’s Motions to Compel against Reddit and Twitter may be heard and decided expeditiously given the importance of that information to the pending Florida Lawsuit. Duffy Decl. ¶¶ 6-10. That is appropriate here, as the Reddit Action and Twitter Action involve motions to compel substantively identical subpoenas, resolution of which involves a common question of law. Having both matters adjudicated by Magistrate Judge Ryu at the same hearing would promote the “just, speedy and inexpensive determination” of these proceedings. Fed. R. Civ. P. 1. Moreover, Reddit and Twitter have stipulated that they have no objection to the Reddit Action being re-assigned to Magistrate Judge Ryu, who is already handling the Twitter Action. *Id.* ¶¶ 11-13.

1 **III. CONCLUSION**

2 As explained above, Plaintiff respectfully requests that this Court enter an order relating
3 the Reddit Action and the Twitter Action. In addition, given anticipated hearing delays due to the
4 unavailability of Magistrate Judge Westmore during June 2023, Plaintiff also respectfully asks that
5 the present case (*In re: Subpoena to Reddit, Inc.*, Case No. 4:23-mc-80119-KAW) be re-assigned
6 to Magistrate Judge Ryu, so that these matters may swiftly be adjudicated by the same judge.

7 DATED: April 28, 2023

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9
10 By: /s/ Kerry L. Duffy

Kerry L. Duffy

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